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Fifty-fourth session
Agenda item 76 (f)
General and complete disarmament: small arms

Letter dated 17 September 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the text of the Joint Action of 17 December 1998 adopted by the Council of the European Union on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons (see annex).

I should be grateful if you would have this letter and its annex circulated as a General Assembly document under agenda item 76 (f).

(*Signed*) Mariatta **Rasi**
Permanent Representative of Finland to the United Nations

99-27346 (E) 141099 141099

Annex

[Original: English, French and Spanish]

JOINT ACTION

of 17 December 1998

adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons

(1999/34/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992, which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas the excessive and uncontrolled accumulation and spread of small arms and light weapons (hereafter referred to as 'small arms') (1) has become a problem of great concern to the international community and this phenomenon poses a threat to peace and security and reduces the prospects for sustainable development in many regions of the world;

Whereas the European Union welcomes the adoption and declaration of a moratorium on the importation, exportation and manufacture of light weapons in Ecowas Member States by the Authority of Heads of State or Government of the Economic Community of West African States (Ecowas) at its 21st session;

Whereas the UN Security Council adopted unanimously on 19 November 1998 Resolution 1209 (1998) on the situation in Africa, illicit arms flows to and in Africa;

Whereas the UN General Assembly addressed, in particular in Resolutions 52/38J on Small arms and 52/38G on consolidation of peace through practical disarmament measures, the problems caused by the destabilising accumulation and spread of small arms;

Whereas the Group of Governmental Experts on Small Arms has been reestablished by the Secretary-General in accordance with Resolution 52/38J, to continue the work already accomplished under the Panel of Governmental Experts on Small Arms;

Whereas the UN Economic and Social Council recommended that States work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organised crime;

Whereas the International Criminal Police Organisation (Interpol) is actively pursuing its efforts in the fight against the criminal use of firearms;

Whereas in the spirit of the 'Brussels call for action' and in the interest of upholding State responsibility to protect citizen security within a framework of good governance and integrated approach to security and sustainable development it is required to take comprehensive measures for the elimination of uncontrolled circulation of small arms;

Whereas the present initiative builds on, and is complementary to already existing EU initiatives, in particular the EU programme for preventing and combating illicit trafficking in conventional arms adopted by the Council on 26 June 1997 and the EU code of conduct on arms exports adopted by the Council on 8 June 1998;

Whereas the European Community has supported actions of demobilisation and reintegration of former combatants and of weapons collection in the context of its humanitarian aid, reconstruction and development cooperation policy,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

1. The objectives of this Joint Action are:

(1) See appendix.

— to combat and contribute to ending the destabilising accumulation and spread of small arms,

— to contribute to the reduction of existing accumulations of these weapons to levels consistent with countries' legitimate security needs, and

— to help solve the problems caused by such accumulations.

2. This Joint Action entails the following elements:

— building consensus on the principles and measures referred to in Title I,

— making a multifaceted contribution as referred to in Title II.

TITLE I

Principles on preventive and reactive aspects

Article 2

The European Union shall enhance efforts to build consensus in the relevant regional and international forums (e.g. the UN and OSCE) and among affected States on the principles and measures set out in Article 2 and on those set out in Articles 3 and 4 as the basis for regional and incremental approaches to the problem and, where appropriate, global international instruments on small arms.

Article 3

In pursuing the objectives set out in Article 1, the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to prevent the further destabilising accumulation of small arms:

(a) a commitment by all countries to import and hold small arms only for their legitimate security needs, to a level commensurate with their legitimate self-defence and security requirements, including their ability to participate in UN peacekeeping operations;

(b) a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorised to procure weapons on their behalf) in accordance with appropriate international and regional restrictive arms export criteria, as provided in particular in the EU code of conduct, including officially authorised end-use certificates or, when appropriate, other relevant information on end-use;

(c) a commitment by all countries to produce small arms only for holdings as outlined in (a) above or exports as outlined in (b) above;

(d) in order to ensure control, the establishment and maintenance of national inventories of legally-held weapons owned by the country's authorities and the establishment of restrictive national weapons legislation for small arms including penal sanctions and effective administrative control;

(e) the establishment of confidence building measures, including measures to promote increased transparency and openness, through regional registers on small arms and regular exchanges of available information, on exports, imports, production and holdings of small arms, and on national weapons legislation, and through consultations between the relevant parties on the information exchanged;

(f) the commitment to combat illicit trafficking of small arms through the implementation of effective national controls, such as efficient border and customs mechanisms, regional and international cooperation and enhanced information exchange;

(g) the commitment to challenge and reverse 'cultures of violence', by enhancing public involvement through public education and awareness programmes.

Article 4

In pursuing the objectives set out in Article 1, the efforts of the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to reduce existing accumulations of small arms:

(a) the assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;

(b) the promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms, the demobilisation of combatants and their subsequent rehabilitation and reintegration, such measures to include compliance with peace and arms control agreements under combined or third-party supervision, respect of human rights and humanitarian law, the protection of the rule of law, in particular as regards the personal safety of former combatants and small arms amnesties, as well as community-based development project and other economic and social incentives;

(c) the effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons, preferably under international supervision;

(d) the rendering of assistance through appropriate international organisations, programmes and agencies as well as regional arrangements.

Article 5

The Member States will promote, where appropriate, in the context of resolving armed conflicts,

(a) the inclusion of provisions with regard to demobilisation, elimination of surplus weapons and integration of ex-combatants into peace agreements between the parties to the conflict, into mandates of peace-support operations or other relevant missions in support of the peaceful settlement,

(b) the consideration of the possibility of making necessary provision for measures ensuring the removal of small arms in the context of demobilisation by the UN Security Council in case the country or parties concerned are not in a position to comply with the relevant obligations.

TITLE II

Contribution by the European Union to specific actions

Article 6

1. The Union will provide financial and technical assistance to programmes and projects which make a direct and identifiable contribution to the principles and measures referred to in Title I, including relevant programmes or projects conducted by the UN, the International Committee of the Red Cross, other international organisations and regional arrangements and NGOs. Such projects might include, *inter alia*, weapons collection, security sector reform and demobilisation and reintegration programmes as well as specific victim assistance programmes.

2. In providing such assistance, the EU shall take into account in particular the recipient's commitments to comply with the principles mentioned in Article 3; their respect of human rights; their compliance with international humanitarian law and the protection of the rule of law; and their compliance with their international commitments, in particular with regard to existing peace treaties and international arms control agreements.

Article 7

1. The Council shall decide on:

— the allocation of the financial and technical contribution referred to in Article 6,

— the priorities for the use of those funds,

— the conditions for implementing specific actions of the Union, including the possibility of designating, in certain instances, a person responsible for its implementation.

2. The Council shall decide on the principle, arrangements and financing of such projects on the basis of concrete and properly-costed project proposals and on a case-by-case basis, without prejudice to Member States' bilateral contributions and operation of the European Community.

3. The Presidency shall, under the conditions set out in Article J.5(3) of the Treaty:

— ensure liaison with the United Nations and any other relevant organisation involved,

— establish, with regional arrangements and third countries, the contacts needed to implement the Union's specific actions.

It shall keep the Council informed.

Article 8

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.

Article 9

1. The Council and the Commission shall be responsible for ensuring the consistency of the Union's activities in the field of small arms, in particular with regard to its development policies. For this purpose, Member States and the Commission shall submit any relevant information to the relevant Council bodies. The Council and the Commission shall ensure implementation of their respective action, each in accordance with its powers.

2. Member States shall equally seek to increase the effectiveness of their national actions in the field of small arms. As far as possible, actions taken pursuant to Article 6 shall be coordinated with those of Member States and of the European Community.

Article 10

The Council will review annually the actions taken in the framework of this Joint Action.

Article 11

This Joint Action shall enter into force on the day of its adoption.

Article 12

This Joint Action shall be published in the Official Journal.

Done at Brussels, 17 December 1998.

For the Council
The President
W. MOLTERER

Appendix

The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification, and may be reviewed in the light of any such future internationally agreed definition.

(a) Small arms and accessories specially designed for military use

- machine-guns (including heavy machine-guns),
- submachine-guns, including machine pistols,
- fully automatic rifles,
- semi-automatic rifles, if developed and/or introduced as a model for an armed force,
- moderators (silencers).

(b) Man or crew-portable light weapons

- cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre,
- grenade launchers,
- anti-tank weapons, recoilless guns (shoulder-fired rockets),
- anti-tank missiles and launchers,
- anti-aircraft missiles/man-portable air defence systems (Manpads).

United Nations A/54/375

General Assembly

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21 September 1999
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Fifty-fourth session
Agenda item 33
Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Letter dated 16 September 1999 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to attach the Proclamation by the National Assembly of People's Power of the Republic of Cuba, denouncing the economic blockade imposed by the United States of America on Cuba as an act of genocide.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 33 of the agenda of the fifty-fourth session.

(*Signed*) Bruno **Rodriguez Parrilla**
Ambassador
Permanent Representative

99-27081 (E) 151099 151099

Annex

Proclamation by the National Assembly of People's Power of the Republic of Cuba

The National Assembly of People's Power of the Republic of Cuba proclaims that the economic blockade imposed by the United States of America on Cuba constitutes an act of genocide.

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly on 9 December 1948 and was signed by the Government of the United States of America on 11 December 1948 and by Cuba on 28 December 1949. It entered into force on 12 January 1951 and has been signed and ratified by 124 States. Article II of this Convention reads as follows:

> "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

It immediately goes on to include among these acts, in subparagraph (c), "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

Article III stipulates that the following acts, among others, shall be punishable:

> "(a) Genocide;
>
> "(d) Attempt to commit genocide;
>
> "(e) Complicity in genocide."

It precisely states in article IV:

> "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

Barely eight months after this Convention on genocide was approved in 1948, the United Nations adopted the Geneva Convention relative to the Protection of Civilian Persons in Time of War, on 12 August 1949, during an international conference convened by the Swiss Government. It was signed and ratified by the Governments of the United States of America and Cuba and entered into force on 21 October 1950. A total of 188 States are currently parties to this Convention.

Article 23 of the Convention provides: "Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases."

Additional Protocol I of this Convention specifically, precisely and categorically establishes, in article 54, the "protection of objects indispensable to the survival of the civilian population."

> "1. Starvation of civilians as a method of warfare is prohibited.
>
> "2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural

areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve our civilians, to cause them to move away, or for any other motive."

Thus, it is clear that a blockade on food, medicine and other objects indispensable to survival is not even permitted in times of war.

Leaving aside the countless pirate attacks perpetrated against our country, the dirty wars, the groups armed and supplied by the United States of America, the acts of economic sabotage and terrorism, the introduction of pests and diseases that have affected the lives of people, animals and plants, and the indirect or direct military invasions that have been carried out or have been on the verge of being launched, and limiting ourselves exclusively to the economic aspects of the United States Government's aggression against Cuba, it must be pointed out that the roots of this genocidal intent date back from before the triumph of the Cuban Revolution on 1 January 1959.

A secret United States document, declassified in 1991, reveals that on 23 December 1958, at a National Security Council meeting attended by President Dwight Eisenhower where the situation in Cuba was being discussed, the Director of the Central Intelligence Agency (CIA), Allen Dulles, categorically stated: "We ought to prevent a Castro victory."

Three days later, on 26 December, President Eisenhower instructed the CIA that "he did not wish the specifics of covert operations [against Cuba] to be presented to the National Security Council". This shows how strictly secret the approved measures were.

The sudden and overwhelming triumph of the revolutionary forces six days later did not allow for enough time to "prevent a Castro victory".

The first United States assault on the national economy would take place on the very day of 1 January 1959, when those who had looted the Public Treasury fled for the United States, together with the perpetrators of the most heinous massacres and abuses against the Cuban people.

As early as 21 January 1959, United States House of Representatives member Wayne Hays declared that the United States should consider imposing economic sanctions against Cuba, specifically mentioning among these a reduction of the sugar quota and a trade embargo.

Five weeks after the triumph of the Revolution, in a report issued on 6 February, economist Felipe Pazos, who had taken over the management of the Cuban National Bank and who was well known and respected in United States Government circles, announced that the former regime had embezzled or seized US$ 424 million from the gold and dollar reserves that backed the Cuban peso.

Two months later, on 19 April, *The New York Times* corroborated the report's claim about the theft of the funds that constituted the country's only reserves and noted that "much of it [was] flown overseas by Batista and his cronies".

The spoils of this colossal theft ended up in United States banks. Not a dime was returned to Cuba. The guilty parties were able to fully enjoy the benefits of these stolen funds with impunity and without exceptions.

In early February, a delegation from the Cuban National Bank travelled to the United States to make an extremely modest request for credits in order to sustain the Cuban currency. A few days later, on 12 February, the United States National Security Council

decided to turn down the request. During the same meeting at which this decision was taken, the CIA director stated that Cuba had become, for Washington, "the most worrisome" of the "trouble spots" in the Americas.

A week after the National Security Council decision was taken, while reiterating their refusal to comply with Cuba's desperate request, the United States authorities noted that the financial difficulties facing Cuba "would tax the governing abilities of any of the best leaders, at least in this hemisphere".

Barely six weeks had passed since the triumph of the Revolution, and the economic warfare against Cuba had already been unleashed.

The Agrarian Reform Law passed on 17 May 1959 was aimed at providing food for the vast majority of our undernourished population, ensuring the survival of millions of people and directly or indirectly creating jobs for a large percentage of the economically active population unemployed at the time. This law was an urgent and pressing necessity for the economic and social development of the Cuban nation, where major Cuban and foreign landholders owned estates of up to 150,000 hectares. In some cases the land was extensively exploited, while in others it was completely idle. The legislation provided for deferred compensation, to be paid out in reasonable and workable instalments. There was no money available to do it in any other way. The Cuban law, as adopted by a non-industrialized country, was much less radical and more generous than that imposed on Japan by United States General Douglas MacArthur at the end of the Second World War.

In the case of Cuba, the United States demanded the impossible: a prompt, effective and full cash payment.

Even the United States ambassador to Cuba, in a recently declassified confidential message to his Government, had affirmed: "With respect to the provisions in the Agrarian Reform Law for payment of expropriated lands, the Embassy does not view these as a sign of anti-Americanism, but is inclined rather to accept as sincere the Cuban Government's defence of these provisions on the ground that it is not in a financial position now to make just, prompt and effective compensation and that for revolutionary reasons it cannot postpone agrarian reform until its finances improve."

A month after the enactment of the crucial Agrarian Reform Law, on 24 June, the United States began to consider using more radical and lethal measures against the Cuban economy. At a meeting called by the State Department to study options for action against Cuba, it was stated that "it behooved the United States Government to take a very firm position forthwith against the law and its implementation", and that "the best way to achieve the necessary result was by economic pressure". One of the strategies proposed was to deprive Cuba of its quota privilege in the United States sugar market, based on the belief that "the sugar industry would promptly suffer an abrupt decline, causing widespread further unemployment. The large numbers of people thus forced out of work would begin to go hungry". At that same meeting, according to the now declassified secret memorandum, United States Secretary of State Herter explicitly qualified these proposals as "measures of economic warfare".

This clearly genocidal intent was shamelessly asserted in an official memorandum signed by L. D. Mallory, a State Department senior official, on 6 April 1960. After admitting that "the majority of Cubans support Castro", and that "there is no effective political opposition", the author of the memorandum stated that "the only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship". He went on to stress that "every possible means should be undertaken promptly to weaken the economic life of Cuba", and proposed "a line of action

which makes the greatest inroads in denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government". Roy Rubotton, State Department Assistant Secretary for Interamerican Affairs, wrote a laconic marginal note on the memorandum: "Yes".

Three months later, on 6 July 1960, the United States adopted the measure first conceived a year earlier, namely, the removal of the Cuban sugar quota. Never again would the United States buy a single pound of sugar from Cuba. A market that was established over the course of more than 100 years between the United States and Cuba, with Cuba guaranteeing the supply of this essential food product to the United States in the first half of the century during the two world wars, from which the United States emerged as the wealthiest, most powerful nation in the world, was wiped out in a second, dealing a savage blow to the country's major source of employment and revenue and depriving it of essential funds for acquiring the food, medicine, fuel and raw materials needed to ensure the survival of its people.

Upon adopting this measure, President Dwight Eisenhower declared that the United States would be looking towards other economic, diplomatic and strategic actions. This was merely a means of psychologically preparing international public opinion, given that the most strategic of all actions taken in that era had been approved much earlier and was already in full progress: the Bay of Pigs mercenary invasion.

From that time onward, successive economic measures against the Cuban people continued to accumulate, shaping up a full and comprehensive blockade, which went as far as to prevent Cuba from importing even an aspirin produced in the United States or exporting to that country a single flower cultivated in Cuba. At the same time, in violation of their constitutional rights, United States citizens were prohibited from visiting Cuba under threats of severe prison sentences.

This fully fledged blockade, shamelessly and euphemistically referred to in official terms by the apparently innocuous word "embargo", has been progressively intensified throughout the past 40 years.

A great many people have died or seen their health irreparably damaged because of the delays and complications involved in acquiring, through the established channels, medicines patented in the United States and produced there by its own companies or by their subsidiaries abroad, or by the national industries of other countries of the world.

It is impossible to imagine a worse crime, perpetrated in such a cruel, cold-blooded and merciless way for so many years. If food products for children, the elderly, pregnant women or sick people, developed with the most advanced technology, were produced either in the United States by its own companies or those of any other country, or if they were produced in other countries by United States companies, these products were unavailable to children, the elderly, pregnant women or sick people in Cuba.

Actually, if even a tiny part manufactured in the United States was used in medical equipment produced anywhere in the world, with qualified labour and raw materials from other countries, that equipment could not be exported to Cuba.

This was the minutely detailed way in which the blockade against the Cuban people was designed.

But not even all of that, nor the "brain drain" nor the theft of doctors — half of whom were taken from Cuba in the first years of the Revolution — and of tens of thousands of professionals and technicians trained by a country capable of eradicating illiteracy in just one year was enough to crush our people's resistance.

Then, at the most critical and difficult time in our history, when the Soviet Union and the socialist bloc collapsed and the country was deprived of the fundamental markets and sources of supplies it could count on to withstand the ferocious economic warfare waged against an island located only 90 miles from the United States coast, that country decided to act more ruthlessly still against Cuba: the blockade was intensified to the maximum, in a case of truly vulgar and repugnant opportunism.

A number of United States transnationals involved in the marketing of food products, with subsidiaries abroad, had managed to overcome countless obstacles and continued to supply Cuba with certain foodstuffs from distant third countries, without violating any of the established rules. The brutal policy intended to subdue the Cuban people through hunger and disease would soon include actions aimed at depriving the country of even these possibilities of acquiring food.

The 1992 Torricelli Act, among other restrictive measures that considerably affected the maritime transport of food and other commodities between Cuba and the rest of the world, prohibited United States subsidiaries based in third countries from trading with Cuba. The legislation put an end to commercial operations that, in terms of food and medicines, amounted to over US$ 700 million worth of imports.

This genocidal policy reached even more infamous heights with the Helms-Burton Act, which codified all previous administrative restrictions, expanded and tightened the blockade and established it in perpetuity. Under the Helms-Burton Act, the blockade would remain in force even in the hypothetical case that the Revolution was overthrown. This notorious juridical aberration stipulated that, even if the United States succeeded in installing a puppet regime in Cuba, the blockade could be lifted only when the property issue had been settled, as provided in that Act, or rather, once the Batista supporters, embezzlers and former exploiters had been given back the lands received by individual farmers and workers involved in various forms of cooperative production and State enterprises, as well as all the formerly existing homes, factories and social facilities used for schools, hospitals and other purposes, or those built by the Revolution on lands once owned by Cuban and foreign landholders or on urbanized land where over a million new homes had been constructed and handed over to the people by the Revolution, along with the definitive independence of their homeland.

Subsequent to the passage of the Helms-Burton Act, and with the aim of tightening even further the blockade against the Cuban people, the United States Congress has adopted, by a show of hands, numerous amendments to bills which had to be passed with such urgent speed, and were at the same time so lengthy, that many lawmakers did not even have time to read them. The Cuban-American terrorist mob, closely linked to the extreme right wing, has achieved its goal of changing the blockade from an executive order into a rigorous and inflexible legislation. Thus, the genocide was institutionalized.

It would be impossible to accurately estimate the human and material damage caused by this genocidal policy.

The American Association for World Health (AAWH), following a 1997 study of the consequences of the blockade in this field, concluded that it "appears to violate the most basic international charters and conventions governing human rights, including the Charter of the United Nations, the charter of the Organization of American States, and the articles of the Geneva Convention governing the treatment of civilians during wartime. [...] The Geneva Conventions, to which 165 countries are parties, including the United States, require the free passage of all medical supplies and foodstuffs intended for civilians in time of war. The United States and Cuba are not at war. In fact, their Governments even maintain

diplomatic representations in Havana and Washington. Nevertheless, the AAWH has determined that the embargo's restrictions signify the deliberate blockading of the Cuban population's access to food and medicine — in times of peace".

In the same report, the AAWH expresses its belief that "the United States embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens. [...] It is our conclusion that the United States embargo has caused a significant rise in suffering — and even deaths — in Cuba".

Throughout seven consecutive years, the United Nations General Assembly has consistently adopted a resolution on the necessity of ending the economic blockade imposed by the United States of America on Cuba. The world's condemnation of this genocidal policy has visibly grown from year to year.

Between 1992 and 1998, the Cuban resolution has received, in these seven consecutive years, 59, 88, 101, 117, 137, 143 and 157 votes in favour. During those same years, the United States has only managed to obtain 3, 4, 2, 3, 3, 3 and 2 votes, including its own. It could not possibly be more humiliatingly isolated in its genocidal policy.

The blockade not only deprives the country of essential supplies from abroad. It also deprives it of markets for its products, which it needs to cover the costs of imports. It deprives it of the credits crucial for normal trade and transportation; it raises prices and costs to astronomical levels; it prevents access to seeds, to the means of fighting pests and diseases, and to more efficient food production technology; it obstructs economic development in every way. Its effect on the country's life is devastating. Only a people with a high degree of political awareness and patriotism, a truly exceptional and heroic people before the world's astonished eyes, a people certain of victory, could be capable of resisting. The Cuban people have taken to heart the apophthegm by José Martí: "Freedom is very costly, and one must either choose to live without it, or decide to pay its price." This does not in any way lessen the guilt of those responsible for the monstrous crime that has been perpetrated and continues to be perpetrated against the Cuban people.

Article VI of the Convention referred to at the beginning of this proclamation states, without room for the slightest doubt, that "persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed".

Subparagraph (e) of article III stipulates with the same precision that accomplices to genocide shall also be punished.

The National Assembly of People's Power of the Republic of Cuba declares:

1. That the economic blockade imposed by the Government of the United States of America on Cuba constitutes an international crime of genocide, in accordance with the definition stipulated in the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948;

2. That, on the basis of the arguments put forward and the foregoing declaration, it proclaims Cuba's right to demand that such acts be punished;

3. That as a result of the grave, systematic and ongoing genocide carried out over the course of 40 years against the people of Cuba, and in accordance with international standards, principles, agreements and laws, the Cuban courts have the right to try and punish the guilty parties, whether they be present or absent;

4. That acts of genocide and other war crimes are not subject to any statute of limitations;

5. That the guilty parties can be punished even with a life imprisonment sentence;

6. That criminal responsibility does not exempt the aggressor State from providing material compensation for the human and economic damage it may have caused;

7. That it calls on the international community for support in this struggle to defend the most elemental principles of justice, the right to life, peace, and the freedom of all peoples.

Havana, 13 September 1999

United Nations A/54/376

General Assembly

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Fifty-fourth session
Agenda item 88
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Offers by Member States of grants and scholarships for higher education, including vocational training for Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 53/49 of 3 December 1998.

2. The report includes the substance of responses from Member States and United Nations agencies to the appeal contained in that resolution, together with reference to further action taken by Member States and United Nations agencies in response to the appeal contained in General Assembly resolutions 32/90 F of 13 December 1977, 33/112 C of 18 December 1978, 34/52 C of 23 November 1979, 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2 December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989, 45/73 D of 11 December 1990, 46/46 D of 9 December 1991, 47/69 D of 14 December 1992, 48/40 D of 10 December 1993, 49/35 D of 9 December 1994, 50/28 D of 6 December 1995, 51/127 of 13 December 1996 and 52/60 of 10 December 1997. By these resolutions, the Assembly appealed to all States, specialized agencies and non-governmental organizations to augment special allocations for grants and scholarships to Palestine refugees; invited the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students; and requested the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to act as the recipient and trustee for such special allocations for grants and scholarships and to award them to qualified refugee candidates.

3. In the 1999 fiscal year, the Government of Japan awarded nine fellowships through UNRWA, of which five were to Palestine refugees who were employed by UNRWA as vocational training staff at the eight vocational training centres in the UNRWA area of operations, one fellowship was in vocational training administration, and the other three fellowships were in community health. Applications for nominees for these fellowships for training in Japan were being processed by the Japan International Cooperation Agency. A review of this programme from its inception in 1985 until 1999 showed that a total of 163 fellowships had been offered by the Government of Japan, of which 154 had been processed. In 1989, the Government of Japan contributed $1 million, to be spent over a five-year period, towards the UNRWA university scholarship programme for secondary school graduates. The recipients are Palestine

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refugee students from the West Bank and Gaza Strip. Of these students, 144 graduated from this programme in a wide spectrum of specializations between 1993 and 1998, while 18 students were still pursuing their studies in the 1998/1999 academic year. The Government of Japan contributed an additional $400,000 in each of the years 1992, 1993 and 1994, $500,000 in 1995, and $600,000 in each of the years 1996 and 1997, to be spent over a five-year period towards the UNRWA university scholarship programme for secondary school graduates from UNRWA's area of operations. The recipients are Palestine refugee students. A total of 437 recipients participated in the programme in the 1998/1999 scholastic year, while 122 graduated between 1995 and 1998. In 1998, the Government of Japan contributed $71,000 to the university scholarship programme. This contribution was used in 1998/1999 to cover the awards to 111 continuing scholars, out of 154 hitherto funded by the UNRWA General Fund budget, funding for which had been frozen due to the financial problems facing UNRWA. Funding of the awards for the remaining 43 scholars was covered from savings from previous Japanese contributions realized due to the early graduation of some scholars and the failure of others. These awards, while not specifically in response to the General Assembly resolution, are in keeping with their spirit.

4. The Government of Switzerland contributed $1,703,581 between 1989 and 1996 and an additional $338,000 in 1997 to the UNRWA university scholarship programme for secondary school graduates. The number of students from the UNRWA area of operations who were still pursuing their university studies in the 1998/1999 academic year was 170, including 19 scholars who benefited from part of the 1997 Swiss contribution. Between 1993 and 1998, 188 scholars graduated and three failed. Out of the 315 scholars who benefited from part of the 1997 Swiss contribution for one year only, 67 scholars graduated in 1998, seven failed and 87 were granted scholarships in 1998/1999 from savings of previous Swiss contributions.

5. The United Nations Educational, Scientific and Cultural Organization, as part of its long-standing agreement with UNRWA and within the framework of its regular programme of scholarships for Palestinians, granted 13 scholarships in favour of Palestinian students during the 1998/1999 biennium.

6. Since 1994, all fellowship applications to the World Health Organization (WHO) have been nominated by the Palestinian Authority. In 1998/1999, WHO provided a total of 62 fellowships/study tours for qualified Palestinian candidates in various specializations with a commutative total of 90 months' study.

7. The United World Colleges (UWC) have now established their own selection committee in the area and did not offer any scholarships through UNRWA for the 1997/1998 school year. One scholarship was offered for 1998/1999 by Lester B. Pearson UWC of the Pacific, of Canada, and was processed, and another scholarship was offered for 1999/2000 and is being processed.

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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Persons displaced as a result of the June 1967 and subsequent hostilities

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of paragraph 5 of its resolution 53/48 of 3 December 1998, entitled "Persons displaced as a result of the June 1967 and subsequent hostilities", the operative paragraphs of which read as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;
>
> "2. *Expresses the hope* for an accelerated return of displaced persons through the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements;
>
> "3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;
>
> "4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above purposes;
>
> "5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-fourth session on the progress made with regard to the implementation of the present resolution."

2. On 28 July 1999, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any action his Government had taken or envisaged to take in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 25 August 1999, the Permanent Representative of Israel replied as follows:

> "Israel's position on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years, the latest of which

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being Israel's note verbale of 19 August 1998. Israel regrets the fact that the resolutions regarding the United Nations Relief and Works Agency (UNRWA) remain rife with political issues irrelevant to the work for which UNRWA is responsible, and thus remain detached from the reality in the area. Accordingly, Israel abstained on General Assembly resolution 53/49 and voted against Assembly resolutions 53/46, 53/48, 53/50, 53/51 and 53/52.

"The resolutions concerning UNRWA must reflect the progress in the peace process and the potential for future breakthroughs. If this potential is to be harnessed, the peace process must receive encouragement and support from concerned parties in the region and the international community, including through resolutions regarding the future of UNRWA.

"Israel believes that UNRWA can play an important role in promoting the social and economic advancement foreseen in the agreements between Israel and the Palestinians, within the limits of its humanitarian mandate, and accordingly looks forward to continuing its cooperation and good working relationship with UNRWA.

"In the light of the above, Israel considers it essential that the General Assembly consolidate the resolutions regarding UNRWA into one resolution directly related to the Agency's humanitarian tasks. This would also be compatible with the necessity to rationalize the work of the General Assembly."

4. In connection with paragraph 2 of General Assembly resolution 53/48, the Secretary-General has obtained from the Commissioner-General of UNRWA the information available to him on the return of refugees registered with the Agency. As indicated in previous reports on the subject, the Agency is not involved in any arrangements for the return of refugees, nor is it involved in any arrangements for the return of displaced persons that are not registered as refugees. Its information is based on requests by returning registered refugees for the transfer of their entitlements for services to the areas to which they have returned and subsequent correction of records. The Agency would not necessarily be aware of the return of any registered refugees who did not request the provision of services. So far as is known to the Agency, between 1 July 1998 and 30 June 1999 1,022 refugees registered with UNRWA returned to the West Bank and 257 to the Gaza Strip. It should be noted that some of these may not themselves have been displaced in 1967 but may be members of the family of a displaced registered refugee whom they accompanied on his return or joined thereafter. Thus, taking into account the estimate given in paragraph 4 of the previous report of the Secretary-General (A/53/471), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 18,380. The Agency is unable to estimate the total number of displaced inhabitants who have returned. It keeps records only of registered refugees, and as pointed out above even those records, particularly with respect to location of registered refugees, may be incomplete.

5. In connection with paragraph 3 of General Assembly resolution 53/48, the Secretary-General refers to the report of the Commissioner-General of UNRWA for the period 1 July 1998 to 30 June 1999 (A/54/13) and previous reports of the Commissioner-General for accounts of the continuous and ongoing assistance provided by UNRWA to persons displaced and in need of continued assistance.